

REMARKS

In response to the Final Office Action dated April 13, 2010, Applicant subsequently filed a Notice of Appeal on October 13, 2010. Applicant now files a Request for Continued Examination, along with this Amendment, to reopen prosecution of claims 14 and 16-28 on the merits.

By way of overview, claim 14, which is the sole independent claim, is amended to incorporate the limitations of claims 19 and 20 therein. Accordingly, claims 19 and 20 are canceled without prejudice or disclaimer to avoid redundancy. As amended, claim 14 is directed to a heat exchanger device comprising: *at least one fin including means for blowing a fluid, wherein the blowing means are uniform and include at least one wall of the fin, wherein the at least one wall of the fin is formed by sintering a mixture of powdered stainless steel, brass, and nickel, wherein the mixture has a particle size smaller than 100 μm , and wherein the at least one wall has an open porosity of between 15 and 20%.*

It is respectfully submitted that the art of record does not disclose or suggest this unique combination of features. In particular, that art of record, alone or in combination, does not disclose or suggest a fin for blowing a fluid, wherein (1) the blowing means are uniform and include at least one wall of the fin, (2) the at least one wall of the fin is formed by sintering a mixture of powdered stainless steel, brass, and nickel, (3) the mixture has a particle size smaller than 100 μm , and (4) the at least one wall has an open porosity of between 15 and 20%. Absent the use of impermissible hindsight, there is no disclosure or suggestion in the art of record to form a fin with uniform blowing means including at least one wall of the fin, the at least one wall being formed by sintering a mixture having a particular composition (i.e., powdered stainless steel, brass, and nickel) and particle size (i.e., < 100 μm), such that the at least one wall has an open porosity of between 15% and 20%. For example, there is no disclosure in or suggestion by the art of record that attributes any significance to the relationship between this recited composition and particle size range.

For at least these exemplary reasons, claim 14 is patentable over the art of record. It follows that dependent claims 16-18, 21, and 25-28 are patentable over the art of record at least by virtue of their dependency. Additionally, rejoinder and allowance of claims 22-24 are respectfully requested based on their dependency.

In view of the above, entry and consideration of this Amendment and allowance of claims 14, 16-18, and 21-28 are respectfully requested. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is invited to contact the undersigned attorney at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 15-0860. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

Date: December 10, 2010

/Billy C. Raulerson/
Billy Carter Raulerson
Registration No. 52,156
(614) 621-7781
braulerson@calfee.com